

HOUSE No. 1236

By Mr. Fagan of Taunton, petition of James H. Fagan relative to student fees assessed by public institutions of higher education. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO STUDENTS FEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 29 of chapter 15A of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by striking out para-
3 graphs (a), (b) and (c) and inserting in place thereof the following
4 3 paragraphs:—

5 (a) as used in this chapter and in chapters 73 and 75 the
6 following words shall have the following meanings:

7 “Nonpartisan”, as applied to student organizations not
8 endorsing or adhering to particular ideological or religious posi-
9 tions in the articles of incorporation, charter, constitution, or
10 bylaws.

11 “Official student referendum”, a referendum vote of the student
12 body which is sanctioned by the college-recognized student gov-
13 ernmental association and certified by said student governmental
14 association as valid.

15 “Optional fee”, any amount payable on a student tuition bill,
16 but not a mandatory charge or waivable fee, appearing as a sepa-
17 rately assessed item, accompanied by a statement as to the nature
18 of said item and that said item is not a charge required to be paid
19 by the student but rather the student may add said charge to the
20 total amount due, and that said item is displayed on the bill at the
21 request of the student body and does not necessarily reflect the
22 endorsement of the board of trustees.

23 “Student organization”, any organization of students at public
24 post-secondary educational institutions which is open to member-
25 ship of all students who pay the optional fee and is controlled by
26 its students.

27 (b) Non-mandatory student fees to nonpartisan student organi-
28 zations which employs legislative agents as defined in section 39
29 of chapter 3 or to nonpartisan student organizations attempting to
30 influence legislation as defined in section 44 of said chapter 3
31 shall be paid on student tuition bills by an optional fee whenever
32 students have authorized said optional fee on the tuition bill by a
33 majority vote of the students voting in an official student refer-
34 endum. The continuation of said optional fee on the student
35 tuition bill may be subject to reauthorization by an official student
36 referendum every 2 years. Necessary administrative costs arising
37 in connection with the collection of said fee may be billed by the
38 board of trustees to the student organization at the time of the
39 transfer of funds collected to said student organization.

40 (c) The board of trustees shall not allow any funds for legisla-
41 tive agents as defined in section 39 of said chapter 3 or organiza-
42 tions attempting to influence legislation as defined in section 44
43 of said chapter 3 to be assessed on student tuition bills; provided,
44 however, that optional fees for nonpartisan student organizations
45 which employ said legislative agents or attempt to influence legis-
46 lation shall be collected by the boards of trustees whenever stu-
47 dents have authorized an optional fee by a majority vote of those
48 students voting in an official student referendum. Said optional
49 fees shall be collected as provided in paragraph (b).